

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 8, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 492

Introduced by Senator Hernandez

February 21, 2013

An act to amend ~~Sections 3041, 3041.1, and 3110~~ *Section 3041* of the Business and Professions Code, relating to optometry, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 492, as amended, Hernandez. Optometrist: practice: licensure.

The Optometry Practice Act creates the State Board of Optometry, which licenses optometrists and regulates their practice. Existing law defines the practice of optometry to include, among other things, the prevention and diagnosis of disorders and dysfunctions of the visual system, and the treatment and management of certain disorders and dysfunctions of the visual system, as well as the provision of rehabilitative optometric services, and doing certain things, including,

but not limited to, the examination of the human eyes, the determination of the powers or range of human vision, and the prescribing of contact and spectacle lenses. Existing law authorizes an optometrist certified to use therapeutic pharmaceutical agents to diagnose and treat specified conditions, use specified pharmaceutical agents, and order specified diagnostic tests. Any violation of the act is a crime. *All moneys collected pursuant to the act, except where otherwise provided, are deposited in the Optometry Fund and continuously appropriated to the board to carry out the provisions of the act.*

~~This bill would include the provision of habilitative optometric services within the scope of practice of optometry. The bill would expand the scope of practice of optometrists who are certified to use therapeutic pharmaceutical agents by, among other things, authorizing those optometrists to use all therapeutic pharmaceutical agents approved by the United States Food and Drug Administration and indicated for use in diagnosing and treating the eye conditions covered by these provisions. The bill would also modify the ability of an optometrist certified to use therapeutic pharmaceutical agents to diagnose and treat certain diseases. The bill would require the board to grant a certificate to an optometrist for the use of advanced procedures, as defined, if the optometrist meets certain educational and certification requirements. The board would also be required to grant a certificate to an optometrist for immunizations if the optometrist meets certain educational and certification requirements. The bill would authorize the board to allow optometrists to use any noninvasive technology to treat specified conditions.~~

~~Existing law requires optometrists in diagnosing or treating eye disease to be held to the same standard of care as physicians and surgeons and osteopathic physicians and surgeons.~~

~~This bill would expand this requirement to include diagnosing other diseases, and would require an optometrist to consult with and, if necessary, refer to a physician and surgeon or other appropriate health care provider if a situation or condition was beyond the optometrist's scope of practice.~~

This bill would expand the scope of practice of optometrists to include administering immunizations and would require the board to grant a certificate to an optometrist for the use of immunizations if the optometrist meets certain requirements. The board would be required to set, by regulation, the fee for the issuance and renewal of a certificate for the use of immunizations, at the reasonable cost of regulating the

certified optometrists, not to exceed \$100. Because this bill would increase those moneys deposited in a continuously appropriated fund, it would make an appropriation.

This bill would delete obsolete provisions and make conforming changes.

Because this bill would change the definition of a crime, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3041 of the Business and Professions
2 Code is amended to read:

3 3041. (a) The practice of optometry includes the prevention
4 and diagnosis of disorders and dysfunctions of the visual system,
5 and the treatment and management of certain disorders and
6 dysfunctions of the visual system, as well as the provision of
7 rehabilitative optometric services, and is the doing of any or all of
8 the following:

9 (1) The examination of the human eye or eyes, or its or their
10 appendages, and the analysis of the human vision system, either
11 subjectively or objectively.

12 (2) The determination of the powers or range of human vision
13 and the accommodative and refractive states of the human eye or
14 eyes, including the scope of its or their functions and general
15 condition.

16 (3) The prescribing or directing the use of, or using, any optical
17 device in connection with ocular exercises, visual training, vision
18 training, or orthoptics.

19 (4) The prescribing of contact and spectacle lenses for, or the
20 fitting or adaptation of contact and spectacle lenses to, the human
21 eye, including lenses that may be classified as drugs or devices by
22 any law of the United States or of this state.

1 (5) The use of topical pharmaceutical agents for the purpose of
2 the examination of the human eye or eyes for any disease or
3 pathological condition.

4 (b) (1) An optometrist who is certified to use therapeutic
5 pharmaceutical agents, pursuant to Section 3041.3, may also
6 diagnose and treat the human eye or eyes, or any of its or their
7 appendages, for all of the following conditions:

8 (A) Through medical treatment, infections of the anterior
9 segment and adnexa, excluding the lacrimal gland, the lacrimal
10 drainage system, and the sclera in patients under 12 years of age.

11 (B) Ocular allergies of the anterior segment and adnexa.

12 (C) Ocular inflammation, nonsurgical in cause except when
13 comanaged with the treating physician and surgeon, limited to
14 inflammation resulting from traumatic iritis, peripheral corneal
15 inflammatory keratitis, episcleritis, and unilateral nonrecurrent
16 nongranulomatous idiopathic iritis in patients over 18 years of age.
17 Unilateral nongranulomatous idiopathic iritis recurring within one
18 year of the initial occurrence shall be referred to an
19 ophthalmologist. An optometrist shall consult with an
20 ophthalmologist or appropriate physician and surgeon if a patient
21 has a recurrent case of episcleritis within one year of the initial
22 occurrence. An optometrist shall consult with an ophthalmologist
23 or appropriate physician and surgeon if a patient has a recurrent
24 case of peripheral corneal inflammatory keratitis within one year
25 of the initial occurrence.

26 (D) Traumatic or recurrent conjunctival or corneal abrasions
27 and erosions.

28 (E) Corneal surface disease and dry eyes.

29 (F) Ocular ~~pain~~, *pain* nonsurgical in ~~cause~~ *cause*, except when
30 comanaged with the treating physician and surgeon, associated
31 with conditions optometrists are authorized to treat.

32 (G) Pursuant to subdivision (f), glaucoma in patients over 18
33 years of age, as described in subdivision ~~(j)~~ *(k)*.

34 (2) For purposes of this section, “treat” means the use of
35 therapeutic pharmaceutical agents, as described in subdivision (c),
36 and the procedures described in subdivision (e).

37 (c) In diagnosing and treating the conditions listed in subdivision
38 (b), an optometrist certified to use therapeutic pharmaceutical
39 agents pursuant to Section 3041.3 may use all of the following
40 therapeutic pharmaceutical agents:

- 1 (1) Pharmaceutical agents as described in paragraph (5) of
2 subdivision (a), as well as topical miotics.
- 3 (2) Topical lubricants.
- 4 (3) Antiallergy agents. In using topical steroid medication for
5 the treatment of ocular allergies, an optometrist shall consult with
6 an ophthalmologist if the patient's condition worsens 21 days after
7 diagnosis.
- 8 (4) Topical and oral anti-inflammatories. In using steroid
9 medication for:
- 10 (A) Unilateral nonrecurrent nongranulomatous idiopathic iritis
11 or episcleritis, an optometrist shall consult with an ophthalmologist
12 or appropriate physician and surgeon if the patient's condition
13 worsens 72 hours after the diagnosis, or if the patient's condition
14 has not resolved three weeks after diagnosis. If the patient is still
15 receiving medication for these conditions six weeks after diagnosis,
16 the optometrist shall refer the patient to an ophthalmologist or
17 appropriate physician and surgeon.
- 18 (B) Peripheral corneal inflammatory keratitis, excluding
19 Moorens and Terriens diseases, an optometrist shall consult with
20 an ophthalmologist or appropriate physician and surgeon if the
21 patient's condition worsens 72 hours after diagnosis.
- 22 (C) Traumatic iritis, an optometrist shall consult with an
23 ophthalmologist or appropriate physician and surgeon if the
24 patient's condition worsens 72 hours after diagnosis and shall refer
25 the patient to an ophthalmologist or appropriate physician and
26 surgeon if the patient's condition has not resolved one week after
27 diagnosis.
- 28 (5) Topical antibiotic agents.
- 29 (6) Topical hyperosmotics.
- 30 (7) Topical and oral antiglaucoma agents pursuant to the
31 certification process defined in subdivision (f).
- 32 (A) The optometrist shall refer the patient to an ophthalmologist
33 if requested by the patient or if angle closure glaucoma develops.
- 34 (B) If the glaucoma patient also has diabetes, the optometrist
35 shall consult with the physician treating the patient's diabetes in
36 developing the glaucoma treatment plan and shall inform the
37 physician in writing of any changes in the patient's glaucoma
38 medication.
- 39 (8) Nonprescription medications used for the rational treatment
40 of an ocular disorder.

1 (9) Oral antihistamines.

2 (10) Prescription oral nonsteroidal anti-inflammatory agents.

3 (11) Oral antibiotics for medical treatment of ocular disease.

4 (A) If the patient has been diagnosed with a central corneal ulcer
5 and the central corneal ulcer has not improved 48 hours after
6 diagnosis, the optometrist shall refer the patient to an
7 ophthalmologist.

8 (B) If the patient has been diagnosed with preseptal cellulitis
9 or dacryocystitis and the condition has not improved 48 hours after
10 diagnosis, the optometrist shall refer the patient to an
11 ophthalmologist.

12 (12) Topical and oral antiviral medication for the medical
13 treatment of the following: herpes simplex viral keratitis, herpes
14 simplex viral conjunctivitis, and periocular herpes simplex viral
15 dermatitis; and varicella zoster viral keratitis, varicella zoster viral
16 conjunctivitis, and periocular varicella zoster viral dermatitis.

17 (A) If the patient has been diagnosed with herpes simplex
18 keratitis or varicella zoster viral keratitis and the patient's condition
19 has not improved seven days after diagnosis, the optometrist shall
20 refer the patient to an ophthalmologist. If a patient's condition has
21 not resolved three weeks after diagnosis, the optometrist shall refer
22 the patient to an ophthalmologist.

23 (B) If the patient has been diagnosed with herpes simplex viral
24 conjunctivitis, herpes simplex viral dermatitis, varicella zoster
25 viral conjunctivitis, or varicella zoster viral dermatitis, and if the
26 patient's condition worsens seven days after diagnosis, the
27 optometrist shall consult with an ophthalmologist. If the patient's
28 condition has not resolved three weeks after diagnosis, the
29 optometrist shall refer the patient to an ophthalmologist.

30 (13) Oral analgesics that are not controlled substances.

31 (14) Codeine with compounds and hydrocodone with
32 compounds as listed in the California Uniform Controlled
33 Substances Act (Division 10 (commencing with Section 11000)
34 of the Health and Safety Code) and the ~~United States Uniform~~
35 *federal* Controlled Substances Act (21 U.S.C. Sec. 801 et seq.).
36 The use of these agents shall be limited to three days, with a referral
37 to an ophthalmologist if the pain persists.

38 (d) In any case where this chapter requires that an optometrist
39 consult with an ophthalmologist, the optometrist shall maintain a
40 written record in the patient's file of the information provided to

1 the ophthalmologist, the ophthalmologist's response, and any other
2 relevant information. Upon the consulting ophthalmologist's
3 request and with the patient's consent, the optometrist shall furnish
4 a copy of the record to the ophthalmologist.

5 (e) An optometrist who is certified to use therapeutic
6 pharmaceutical agents pursuant to Section 3041.3 may also perform
7 all of the following:

8 (1) Corneal scraping with cultures.

9 (2) Debridement of corneal epithelia.

10 (3) Mechanical epilation.

11 (4) Venipuncture for testing patients suspected of having
12 diabetes.

13 (5) Suture removal, with prior consultation with the treating
14 physician and surgeon.

15 (6) Treatment or removal of sebaceous cysts by expression.

16 (7) Administration of oral fluorescein to patients suspected as
17 having diabetic retinopathy.

18 (8) Use of an auto-injector to counter anaphylaxis.

19 (9) Ordering of smears, cultures, sensitivities, complete blood
20 count, mycobacterial culture, acid fast stain, urinalysis, tear fluid
21 analysis, and X-rays necessary for the diagnosis of conditions or
22 diseases of the eye or adnexa. An optometrist may order other
23 types of images subject to prior consultation with an
24 ophthalmologist or appropriate physician and surgeon.

25 (10) A clinical laboratory test or examination classified as
26 waived under ~~CLIA~~ *the federal Clinical Laboratory Improvement*
27 *Amendments of 1988 (42 U.S.C. Sec. 263a) (CLIA)* and designated
28 as waived in paragraph (9) necessary for the diagnosis of conditions
29 and diseases of the eye or adnexa, or if otherwise specifically
30 authorized by this chapter.

31 (11) Punctal occlusion by plugs, excluding laser, diathermy,
32 cryotherapy, or other means constituting surgery as defined in this
33 chapter.

34 (12) The prescription of therapeutic contact lenses, including
35 lenses or devices that incorporate a medication or therapy the
36 optometrist is certified to prescribe or provide.

37 (13) Removal of foreign bodies from the cornea, eyelid, and
38 conjunctiva with any appropriate instrument other than a scalpel
39 or needle. Corneal foreign bodies shall be nonperforating, be no

1 deeper than the midstroma, and require no surgical repair upon
2 removal.

3 (14) For patients over 12 years of age, lacrimal irrigation and
4 dilation, excluding probing of the nasal lacrimal tract. The board
5 shall certify any optometrist who graduated from an accredited
6 school of optometry before May 1, 2000, to perform this procedure
7 after submitting proof of satisfactory completion of 10 procedures
8 under the supervision of an ophthalmologist as confirmed by the
9 ophthalmologist. Any optometrist who graduated from an
10 accredited school of optometry on or after May 1, 2000, ~~shall be~~
11 *is* exempt from the certification requirement contained in this
12 paragraph.

13 (f) The board shall grant a certificate to an optometrist certified
14 pursuant to Section 3041.3 for the treatment of glaucoma, as
15 described in subdivision ~~(j)~~, (k), in patients over 18 years of age
16 after the optometrist meets the following applicable requirements:

17 (1) For licensees who graduated from an accredited school of
18 optometry on or after May 1, 2008, submission of proof of
19 graduation from that institution.

20 (2) For licensees who were certified to treat glaucoma under
21 this section prior to January 1, 2009, submission of proof of
22 completion of that certification program.

23 (3) For licensees who have substantially completed the
24 certification requirements pursuant to this section in effect between
25 January 1, 2001, and December 31, 2008, submission of proof of
26 completion of those requirements on or before December 31, 2009.
27 “Substantially completed” means both of the following:

28 (A) Satisfactory completion of a didactic course of not less than
29 24 hours in the diagnosis, pharmacological, and other treatment
30 and management of glaucoma.

31 (B) Treatment of 50 glaucoma patients with a collaborating
32 ophthalmologist for a period of two years for each patient that will
33 conclude on or before December 31, 2009.

34 (4) For licensees who completed a didactic course of not less
35 than 24 hours in the diagnosis, pharmacological, and other
36 treatment and management of glaucoma, submission of proof of
37 satisfactory completion of the case management requirements for
38 certification established by the board pursuant to Section 3041.10.

39 (5) For licensees who graduated from an accredited school of
40 optometry on or before May 1, 2008, and not described in

1 paragraph (2), (3), or (4), submission of proof of satisfactory
2 completion of the requirements for certification established by the
3 board pursuant to Section 3041.10.

4 (g) Other than for prescription ophthalmic devices described in
5 subdivision (b) of Section 2541, any dispensing of a therapeutic
6 pharmaceutical agent by an optometrist shall be without charge.

7 (h) The practice of optometry does not include performing
8 surgery. “Surgery” means any procedure in which human tissue
9 is cut, altered, or otherwise infiltrated by mechanical or laser
10 means. “Surgery” does not include those procedures specified in
11 subdivision (e). Nothing in this section shall limit an optometrist’s
12 authority to utilize diagnostic laser and ultrasound technology
13 within his or her scope of practice.

14 (i) An optometrist licensed under this chapter is subject to the
15 provisions of Section 2290.5 for purposes of practicing telehealth.

16 (j) *(1) The board shall grant to an optometrist, certified pursuant*
17 *to subdivision (f), a certificate for the use of immunizations, as*
18 *described in paragraph (2), after the optometrist meets all of the*
19 *following applicable requirements:*

20 *(A) Completes an immunization training program endorsed by*
21 *the federal Centers for Disease Control (CDC) that, at a minimum,*
22 *includes hands-on injection technique, clinical evaluation of*
23 *indications and contraindications of vaccines, and the recognition*
24 *and treatment of emergency reactions to vaccines, and maintains*
25 *that training.*

26 *(B) Is certified in basic life support.*

27 *(C) Complies with all state and federal recordkeeping and*
28 *reporting requirements, including providing documentation to the*
29 *patient’s primary care provider and entering information in the*
30 *appropriate immunization registry designated by the immunization*
31 *branch of the State Department of Public Health.*

32 *(2) For the purposes of this chapter, “immunization” means*
33 *administration of immunizations for influenza and herpes zoster*
34 *virus in compliance with individual Advisory Committee on*
35 *Immunization Practices (ACIP) vaccine recommendations*
36 *published by the federal CDC for persons 18 years of age or older.*

37 *(3) The board, by regulation, shall set the fee for issuance and*
38 *renewal of a certificate for the use of immunizations at the*
39 *reasonable cost of regulating immunization certified optometrists*

1 pursuant to this chapter. The fee shall not exceed one hundred
 2 dollars (\$100).

3 (j)

4 (k) For purposes of this chapter, “glaucoma” means either of
 5 the following:

6 (1) All primary open-angle glaucoma.

7 (2) Exfoliation and pigmentary glaucoma.

8 (k)

9 (l) For purposes of this chapter, “adnexa” means ocular adnexa.

10 (t)

11 (m) In an emergency, an optometrist shall stabilize, if possible,
 12 and immediately refer any patient who has an acute attack of angle
 13 closure to an ophthalmologist.

14 *SEC. 2. No reimbursement is required by this act pursuant to*
 15 *Section 6 of Article XIII B of the California Constitution because*
 16 *the only costs that may be incurred by a local agency or school*
 17 *district will be incurred because this act creates a new crime or*
 18 *infraction, eliminates a crime or infraction, or changes the penalty*
 19 *for a crime or infraction, within the meaning of Section 17556 of*
 20 *the Government Code, or changes the definition of a crime within*
 21 *the meaning of Section 6 of Article XIII B of the California*
 22 *Constitution.*

23 ~~SECTION 1. Section 3041 of the Business and Professions~~
 24 ~~Code is amended to read:~~

25 ~~3041. (a) The practice of optometry includes the prevention~~
 26 ~~and diagnosis of disorders and dysfunctions of the visual system,~~
 27 ~~and the treatment and management of certain disorders and~~
 28 ~~dysfunctions of the visual system, as well as the provision of~~
 29 ~~habilitative or rehabilitative optometric services, and is the doing~~
 30 ~~of any or all of the following:~~

31 ~~(1) The examination of the human eye or eyes, or its or their~~
 32 ~~appendages, and the analysis of the human vision system, either~~
 33 ~~subjectively or objectively.~~

34 ~~(2) The determination of the powers or range of human vision~~
 35 ~~and the accommodative and refractive states of the human eye or~~
 36 ~~eyes, including the scope of its or their functions and general~~
 37 ~~condition.~~

38 ~~(3) The prescribing or directing the use of, or using, any optical~~
 39 ~~device in connection with ocular exercises, visual training, vision~~
 40 ~~training, or orthoptics.~~

1 ~~(4) The prescribing of contact and spectacle lenses for, or the~~
2 ~~fitting or adaptation of contact and spectacle lenses to, the human~~
3 ~~eye, including lenses that may be classified as drugs or devices by~~
4 ~~any law of the United States or of this state.~~

5 ~~(5) The use of topical pharmaceutical agents for the purpose of~~
6 ~~the examination of the human eye or eyes for any disease or~~
7 ~~pathological condition.~~

8 ~~(b) (1) An optometrist who is certified to use therapeutic~~
9 ~~pharmaceutical agents, pursuant to Section 3041.3, may also~~
10 ~~diagnose and treat the human eye or eyes, or any of its or their~~
11 ~~appendages, for all of the following conditions:~~

12 ~~(A) Through medical treatment, infections of the anterior~~
13 ~~segment and adnexa.~~

14 ~~(B) Ocular allergies of the anterior segment and adnexa.~~

15 ~~(C) Ocular inflammation of the anterior segment and adnexa~~
16 ~~nonsurgical in cause, except when comanaged with the treating~~
17 ~~physician and surgeon.~~

18 ~~(D) Traumatic or recurrent conjunctival or corneal abrasions~~
19 ~~and erosions.~~

20 ~~(E) Corneal surface disease and dry eyes. Treatment for purposes~~
21 ~~of this subparagraph includes, but is not limited to, the use of~~
22 ~~mechanical lipid extraction of meibomian glands using nonsurgical~~
23 ~~techniques.~~

24 ~~(F) Ocular pain nonsurgical in cause, except when comanaged~~
25 ~~with the treating physician and surgeon.~~

26 ~~(G) Pursuant to subdivision (f), glaucoma in patients over 18~~
27 ~~years of age, as described in subdivision (n).~~

28 ~~(H) Eyelid disorders, including hypotrichosis and blepharitis.~~

29 ~~(2) For purposes of this section, “treat” means the use of~~
30 ~~therapeutic pharmaceutical agents, as described in subdivision (c),~~
31 ~~and the procedures described in subdivision (e).~~

32 ~~(e) In diagnosing and treating the conditions listed in subdivision~~
33 ~~(b), an optometrist certified to use therapeutic pharmaceutical~~
34 ~~agents pursuant to Section 3041.3 may use all therapeutic~~
35 ~~pharmaceutical agents approved by the United States Food and~~
36 ~~Drug Administration and indicated for use in diagnosing and~~
37 ~~treating eye conditions set forth in this chapter, including codeine~~
38 ~~with compounds and hydrocodone with compounds as listed in~~
39 ~~the California Uniform Controlled Substances Act (Division 10~~
40 ~~(commencing with Section 11000) of the Health and Safety Code)~~

1 and the federal Controlled Substances Act (21 U.S.C. Sec. 801 et
2 seq.). The use of controlled substances shall be limited to five
3 days.

4 (d) In any case that an optometrist consults with a physician
5 and surgeon, the optometrist and the physician and surgeon shall
6 both maintain a written record in the patient's file of the
7 information provided to the physician and surgeon, the physician
8 and surgeon's response, and any other relevant information. Upon
9 the request of the optometrist or physician and surgeon and with
10 the patient's consent, a copy of the record shall be furnished to the
11 requesting party.

12 (e) An optometrist who is certified to use therapeutic
13 pharmaceutical agents pursuant to Section 3041.3 may also perform
14 all of the following:

15 (1) Corneal scraping with cultures.

16 (2) Debridement of corneal epithelia.

17 (3) Mechanical epilation.

18 (4) Venipuncture for testing patients suspected of having
19 diabetes.

20 (5) Suture removal, upon notification of the treating physician
21 and surgeon or optometrist.

22 (6) Treatment or removal of sebaceous cysts by expression.

23 (7) Use of an auto-injector to counter anaphylaxis.

24 (8) Ordering of smears, cultures, sensitivities, complete blood
25 count, mycobacterial culture, acid fast stain, urinalysis, tear fluid
26 analysis, and X-rays necessary for the diagnosis of conditions or
27 diseases of the eye or adnexa. An optometrist may order other
28 types of images subject to prior consultation with an
29 ophthalmologist or appropriate physician and surgeon.

30 (9) A clinical laboratory test or examination classified as waived
31 under the federal Clinical Laboratory Improvement Amendments
32 of 1988 (42 U.S.C. Sec. 263a) (CLIA) and designated as waived
33 in paragraph (8) necessary for the diagnosis of conditions and
34 diseases of the eye or adnexa, or if otherwise specifically authorized
35 by this chapter.

36 (10) Punctal occlusion by plugs, excluding laser, diathermy,
37 cryotherapy, or other means constituting surgery as defined in this
38 chapter.

1 ~~(11) The prescription of therapeutic contact lenses, including~~
2 ~~lenses or devices that incorporate a medication or therapy the~~
3 ~~optometrist is certified to prescribe or provide.~~

4 ~~(12) Removal of foreign bodies from the cornea, eyelid, and~~
5 ~~conjunctiva with any appropriate instrument other than a scalpel.~~
6 ~~Corneal foreign bodies shall be nonperforating, be no deeper than~~
7 ~~the midstroma, and require no surgical repair upon removal.~~

8 ~~(13) For patients over 12 years of age, lacrimal irrigation and~~
9 ~~dilation, excluding probing of the nasal lacrimal tract. The board~~
10 ~~shall certify any optometrist who graduated from an accredited~~
11 ~~school of optometry before May 1, 2000, to perform this procedure~~
12 ~~after submitting proof of satisfactory completion of 10 procedures~~
13 ~~under the supervision of an ophthalmologist or lacrimal irrigation~~
14 ~~and dilation certified optometrist as confirmed by the~~
15 ~~ophthalmologist or lacrimal irrigation and dilation certified~~
16 ~~optometrist. Any optometrist who graduated from an accredited~~
17 ~~school of optometry on or after May 1, 2000, is exempt from the~~
18 ~~certification requirement contained in this paragraph.~~

19 ~~(f) The board shall grant a certificate to an optometrist certified~~
20 ~~pursuant to Section 3041.3 for the treatment of glaucoma, as~~
21 ~~described in subdivision (n), in patients over 18 years of age after~~
22 ~~the optometrist meets the following applicable requirements:~~

23 ~~(1) For licensees who graduated from an accredited school of~~
24 ~~optometry on or after May 1, 2008, submission of proof of~~
25 ~~graduation from that institution.~~

26 ~~(2) For licensees who were certified to treat glaucoma under~~
27 ~~this section prior to January 1, 2009, submission of proof of~~
28 ~~completion of that certification program.~~

29 ~~(3) For licensees who completed a didactic course of not less~~
30 ~~than 24 hours in the diagnosis, pharmacological, and other~~
31 ~~treatment and management of glaucoma, submission of proof of~~
32 ~~satisfactory completion of the case management requirements for~~
33 ~~certification established by the board pursuant to Section 3041.10.~~

34 ~~(4) For licensees who graduated from an accredited school of~~
35 ~~optometry on or before May 1, 2008, and not described in~~
36 ~~paragraph (2) or (3), submission of proof of satisfactory completion~~
37 ~~of the requirements for certification established by the board.~~

38 ~~(g) The board shall grant to an optometrist, certified pursuant~~
39 ~~to subdivision (f), a certificate for the use of advanced procedures;~~

1 as described in subdivision (h), after the optometrist meets the
2 following applicable requirement:

3 (1) Licensees who graduated from an accredited school of
4 optometry, on or after May 1, 2016, shall submit proof of
5 completion at that school of a satisfactory curriculum on advanced
6 procedures, as determined by the board, including passage of a
7 test for competency and performance of the procedures contained
8 in subparagraph (F) of paragraph (2):

9 (2) Licensees who graduated from an accredited school before
10 May 1, 2016, are required to submit proof of completion of a
11 board-approved course that meets all of the requirements in
12 subparagraphs (A) to (G), inclusive. An optometrist certified
13 pursuant to Section 3041.3 may perform the training procedures
14 in their own practices under the supervision of a physician and
15 surgeon or an optometrist with an advanced procedure certification:

16 (A) Provided by an accredited school of optometry and
17 developed in consultation with an ophthalmologist who has
18 experience teaching optometric students.

19 (B) Taught by full-time or adjunct faculty members of an
20 accredited school of optometry.

21 (C) Sponsored by an organization that meets the standards of
22 Section 1536 of Title 16 of the California Code of Regulations.

23 (D) Included passage of a test for competency.

24 (E) Included all of the following didactic instruction:

25 (i) Laser physics, hazards, and safety.

26 (ii) Biophysics of laser.

27 (iii) Laser application in clinical optometry.

28 (iv) Laser tissue interactions.

29 (v) Laser indications, contraindications, and potential
30 complications.

31 (vi) Gonioscopy.

32 (vii) Laser therapy for open angle glaucoma.

33 (viii) Laser therapy for angle closure glaucoma.

34 (ix) Posterior capsulotomy.

35 (x) Common complications: lids, lashes, and lacrimal.

36 (xi) Medicolegal aspects of anterior segment procedures.

37 (xii) Peripheral iridotomy.

38 (xiii) Laser Trabeculoplasty.

39 (xiv) Minor surgical procedures.

- 1 ~~(xv) Overview of surgical instruments, asepsis, and the federal~~
2 ~~Occupational Safety and Health Administration:~~
3 ~~(xvi) Surgical anatomy of the eyelids:~~
4 ~~(xvii) Emergency surgical procedures:~~
5 ~~(xviii) Chalazion management.~~
6 ~~(xix) Epiluminescence microscopy.~~
7 ~~(xx) Suture techniques.~~
8 ~~(xxi) Local anesthesia: techniques and complications.~~
9 ~~(xxii) Anaphylaxis and other office emergencies.~~
10 ~~(xxiii) Radiofrequency surgery.~~
11 ~~(xxiv) Postoperative wound care.~~
12 ~~(F) Included all of the following clinical experience on live~~
13 ~~human patients:~~
14 ~~(i) Between 20 and 35 clinical eyelid or adnexa surgical training~~
15 ~~procedures, between 18 and 25 laser training procedures, and~~
16 ~~between 6 and 12 injection training procedures. The board shall~~
17 ~~convene an advisory committee to establish the exact number of~~
18 ~~training procedures required, including a minimum number of~~
19 ~~training procedures for each procedure listed in subdivision (h).~~
20 ~~The advisory committee shall be composed of the Director of~~
21 ~~Consumer Affairs or his or her appointee, who shall also serve as~~
22 ~~the chairperson, two practicing optometrists, two practicing~~
23 ~~ophthalmologists, one faculty member of a school of optometry,~~
24 ~~and one ophthalmologist that teaches at a school of optometry.~~
25 ~~The members of the advisory committee shall be appointed by the~~
26 ~~respective licensing boards. Recommendations from the advisory~~
27 ~~committee shall be reported to the board within six months of~~
28 ~~being convened.~~
29 ~~(ii) Video demonstration.~~
30 ~~(iii) A formal clinical practical examination.~~
31 ~~(G) Required passage of a written test utilizing the National~~
32 ~~Board of Examiners in Optometry format.~~
33 ~~(h) For the purposes of this chapter, “advanced procedures”~~
34 ~~means any of the following:~~
35 ~~(1) Therapeutic lasers used for posterior capsulotomy secondary~~
36 ~~to cataract surgery.~~
37 ~~(2) Therapeutic lasers appropriate for treatment of glaucoma~~
38 ~~and peripheral iridotomy for the prophylactic treatment of angle~~
39 ~~closure glaucoma.~~

- 1 ~~(3) Removal, destruction, or drainage of lesions of the eyelid~~
- 2 ~~and adnexa clinically evaluated by the optometrist to be~~
- 3 ~~noncancerous.~~
- 4 ~~(4) Closure of a wound resulting from a procedure described in~~
- 5 ~~paragraph (3).~~
- 6 ~~(5) Injections for the treatment of conditions of the eye and~~
- 7 ~~adnexa described in paragraph (1) of subdivision (b), excluding~~
- 8 ~~intraorbital injections and injections administered for cosmetic~~
- 9 ~~effect.~~
- 10 ~~(i) “Advanced procedures” does not include performing~~
- 11 ~~blepharoplasty or other cosmetic surgery procedures that reshape~~
- 12 ~~normal structures of the body in order to improve appearance and~~
- 13 ~~self-esteem.~~
- 14 ~~(j) The board shall grant to an optometrist, certified pursuant to~~
- 15 ~~subdivision (f), a certificate for immunizations, as described in~~
- 16 ~~subdivision (p), after the optometrist meets all of the following~~
- 17 ~~applicable requirements:~~
- 18 ~~(1) For licensees who graduated, on or after May 1, 2016, from~~
- 19 ~~an accredited school of optometry that includes satisfactory~~
- 20 ~~curriculum on immunizations, as determined by the board,~~
- 21 ~~submission of proof of graduation from that institution.~~
- 22 ~~(2) Licensees who graduated from an accredited school before~~
- 23 ~~May 1, 2016, shall do all of the following:~~
- 24 ~~(A) Submit proof of completion of a board-approved~~
- 25 ~~immunization training program that, at a minimum, includes~~
- 26 ~~hands-on injection technique, clinical evaluation of indications~~
- 27 ~~and contraindications of vaccines, and the recognition and~~
- 28 ~~treatment of emergency reactions to vaccines, and shall maintain~~
- 29 ~~that training.~~
- 30 ~~(B) Be certified in basic life support for health care~~
- 31 ~~professionals.~~
- 32 ~~(C) Comply with all state and federal recordkeeping and~~
- 33 ~~reporting requirements, including providing documentation to the~~
- 34 ~~patient’s primary care provider and entering information in the~~
- 35 ~~appropriate immunization registry designated by the immunization~~
- 36 ~~branch of the State Department of Public Health.~~
- 37 ~~(k) Other than for prescription ophthalmic devices described in~~
- 38 ~~subdivision (b) of Section 2541, any dispensing of a therapeutic~~
- 39 ~~pharmaceutical agent by an optometrist shall be without charge.~~

1 ~~(l) Except as authorized by this section, the practice of optometry~~
 2 ~~does not include performing surgery. “Surgery” means any~~
 3 ~~procedure in which human tissue is cut, altered, or otherwise~~
 4 ~~infiltrated by mechanical or laser means. Nothing in this section~~
 5 ~~shall limit an optometrist’s authority to utilize diagnostic laser and~~
 6 ~~ultrasound technology within his or her scope of practice.~~

7 ~~(m) An optometrist licensed under this chapter is subject to the~~
 8 ~~provisions of Section 2290.5 for purposes of practicing telehealth.~~

9 ~~(n) For purposes of this chapter, “glaucoma” means either of~~
 10 ~~the following:~~

11 ~~(1) All primary open-angle glaucoma.~~

12 ~~(2) Exfoliation and pigmentary glaucoma.~~

13 ~~(o) For purposes of this chapter, “adnexa” means ocular adnexa.~~

14 ~~(p) For the purposes of this chapter, “immunization” means~~
 15 ~~administration of immunizations for influenza, Pertussis, herpes~~
 16 ~~zoster virus, and additional immunizations that may be necessary~~
 17 ~~to protect public health during a declared disaster or public health~~
 18 ~~emergency in compliance with individual Advisory Committee~~
 19 ~~on Immunization Practices (ACIP) vaccine recommendations~~
 20 ~~published by the federal Centers for Disease Control and~~
 21 ~~Prevention (CDC) for persons 18 years of age or older.~~

22 ~~(q) In an emergency, an optometrist shall stabilize, if possible,~~
 23 ~~and immediately refer any patient who has an acute attack of angle~~
 24 ~~closure to an ophthalmologist.~~

25 ~~(r) The board may authorize optometrists to use any noninvasive~~
 26 ~~technology to treat a condition listed in paragraph (1) of subdivision~~
 27 ~~(b).~~

28 ~~SEC. 2.— Section 3041.1 of the Business and Professions Code~~
 29 ~~is amended to read:~~

30 ~~3041.1.— With respect to the practices set forth in Section 3041,~~
 31 ~~optometrists diagnosing or treating eye disease or diagnosing other~~
 32 ~~diseases shall be held to the same standard of care to which~~
 33 ~~physicians and surgeons and osteopathic physicians and surgeons~~
 34 ~~are held. An optometrist shall consult with and, if necessary, refer~~
 35 ~~to a physician and surgeon or other appropriate health care provider~~
 36 ~~if a situation or condition occurs that is beyond the optometrist’s~~
 37 ~~scope of practice.~~

38 ~~SEC. 3.— Section 3110 of the Business and Professions Code is~~
 39 ~~amended to read:~~

1 ~~3110. The board may take action against any licensee who is~~
2 ~~charged with unprofessional conduct, and may deny an application~~
3 ~~for a license if the applicant has committed unprofessional conduct.~~
4 ~~In addition to other provisions of this article, unprofessional~~
5 ~~conduct includes, but is not limited to, the following:~~

6 ~~(a) Violating or attempting to violate, directly or indirectly~~
7 ~~assisting in or abetting the violation of, or conspiring to violate~~
8 ~~any provision of this chapter or any of the rules and regulations~~
9 ~~adopted by the board pursuant to this chapter.~~

10 ~~(b) Gross negligence.~~

11 ~~(c) Repeated negligent acts. To be repeated, there must be two~~
12 ~~or more negligent acts or omissions.~~

13 ~~(d) Incompetence.~~

14 ~~(e) The commission of fraud, misrepresentation, or any act~~
15 ~~involving dishonesty or corruption, that is substantially related to~~
16 ~~the qualifications, functions, or duties of an optometrist.~~

17 ~~(f) Any action or conduct that would have warranted the denial~~
18 ~~of a license.~~

19 ~~(g) The use of advertising relating to optometry that violates~~
20 ~~Section 651 or 17500.~~

21 ~~(h) Denial of licensure, revocation, suspension, restriction, or~~
22 ~~any other disciplinary action against a health care professional~~
23 ~~license by another state or territory of the United States, by any~~
24 ~~other governmental agency, or by another California health care~~
25 ~~professional licensing board. A certified copy of the decision or~~
26 ~~judgment shall be conclusive evidence of that action.~~

27 ~~(i) Procuring his or her license by fraud, misrepresentation, or~~
28 ~~mistake.~~

29 ~~(j) Making or giving any false statement or information in~~
30 ~~connection with the application for issuance of a license.~~

31 ~~(k) Conviction of a felony or of any offense substantially related~~
32 ~~to the qualifications, functions, and duties of an optometrist, in~~
33 ~~which event the record of the conviction shall be conclusive~~
34 ~~evidence thereof.~~

35 ~~(l) Administering to himself or herself any controlled substance~~
36 ~~or using any of the dangerous drugs specified in Section 4022, or~~
37 ~~using alcoholic beverages to the extent, or in a manner, as to be~~
38 ~~dangerous or injurious to the person applying for a license or~~
39 ~~holding a license under this chapter, or to any other person, or to~~
40 ~~the public, or, to the extent that the use impairs the ability of the~~

1 person applying for or holding a license to conduct with safety to
2 the public the practice authorized by the license, or the conviction
3 of a misdemeanor or felony involving the use, consumption, or
4 self-administration of any of the substances referred to in this
5 subdivision, or any combination thereof.

6 ~~(m) (1) Committing or soliciting an act punishable as a sexually
7 related crime, if that act or solicitation is substantially related to
8 the qualifications, functions, or duties of an optometrist.~~

9 ~~(2) Committing any act of sexual abuse, misconduct, or relations
10 with a patient. The commission of and conviction for any act of
11 sexual abuse, sexual misconduct, or attempted sexual misconduct,
12 whether or not with a patient, shall be considered a crime
13 substantially related to the qualifications, functions, or duties of a
14 licensee. This paragraph shall not apply to sexual contact between
15 any person licensed under this chapter and his or her spouse or
16 person in an equivalent domestic relationship when that licensee
17 provides optometry treatment to his or her spouse or person in an
18 equivalent domestic relationship.~~

19 ~~(3) Conviction of a crime that requires the person to register as
20 a sex offender pursuant to Chapter 5.5 (commencing with Section
21 290) of Title 9 of Part 1 of the Penal Code. A conviction within
22 the meaning of this paragraph means a plea or verdict of guilty or
23 a conviction following a plea of nolo contendere. A conviction
24 described in this paragraph shall be considered a crime substantially
25 related to the qualifications, functions, or duties of a licensee.~~

26 ~~(n) Repeated acts of excessive prescribing, furnishing or
27 administering of controlled substances or dangerous drugs specified
28 in Section 4022, or repeated acts of excessive treatment.~~

29 ~~(o) Repeated acts of excessive use of diagnostic or therapeutic
30 procedures, or repeated acts of excessive use of diagnostic or
31 treatment facilities.~~

32 ~~(p) The prescribing, furnishing, or administering of controlled
33 substances or drugs specified in Section 4022, or treatment without
34 a good faith prior examination of the patient and optometric reason.~~

35 ~~(q) The failure to maintain adequate and accurate records
36 relating to the provision of services to his or her patients.~~

37 ~~(r) Performing, or holding oneself out as being able to perform,
38 or offering to perform, any professional services beyond the scope
39 of the license authorized by this chapter.~~

1 ~~(s) The practice of optometry without a valid, unrevoked,~~
2 ~~unexpired license.~~

3 ~~(t) The employing, directly or indirectly, of any suspended or~~
4 ~~unlicensed optometrist to perform any work for which an optometry~~
5 ~~license is required.~~

6 ~~(u) Permitting another person to use the licensee's optometry~~
7 ~~license for any purpose.~~

8 ~~(v) Altering with fraudulent intent a license issued by the board,~~
9 ~~or using a fraudulently altered license, permit certification, or any~~
10 ~~registration issued by the board.~~

11 ~~(w) Except for good cause, the knowing failure to protect~~
12 ~~patients by failing to follow infection control guidelines of the~~
13 ~~board, thereby risking transmission of blood borne infectious~~
14 ~~diseases from optometrist to patient, from patient to patient, or~~
15 ~~from patient to optometrist. In administering this subdivision, the~~
16 ~~board shall consider the standards, regulations, and guidelines of~~
17 ~~the State Department of Public Health developed pursuant to~~
18 ~~Section 1250.11 of the Health and Safety Code and the standards,~~
19 ~~guidelines, and regulations pursuant to the California Occupational~~
20 ~~Safety and Health Act of 1973 (Part 1 (commencing with Section~~
21 ~~6300) of Division 5 of the Labor Code) for preventing the~~
22 ~~transmission of HIV, hepatitis B, and other blood borne pathogens~~
23 ~~in health care settings. As necessary, the board may consult with~~
24 ~~the Medical Board of California, the Board of Podiatric Medicine,~~
25 ~~the Board of Registered Nursing, and the Board of Vocational~~
26 ~~Nursing and Psychiatric Technicians, to encourage appropriate~~
27 ~~consistency in the implementation of this subdivision.~~

28 ~~(x) Failure or refusal to comply with a request for the clinical~~
29 ~~records of a patient, that is accompanied by that patient's written~~
30 ~~authorization for release of records to the board, within 15 days~~
31 ~~of receiving the request and authorization, unless the licensee is~~
32 ~~unable to provide the documents within this time period for good~~
33 ~~cause.~~

34 ~~(y) Failure to refer a patient to an appropriate physician if an~~
35 ~~examination of the eyes indicates a substantial likelihood of any~~
36 ~~pathology that requires the attention of that physician.~~

37 ~~SEC. 4. It is the intent of the Legislature that the Office of~~
38 ~~Statewide Health Planning and Development, under the Health~~
39 ~~Workforce Pilot Projects Program, designate a pilot project~~
40 ~~intended to test, demonstrate, and evaluate expanded roles for~~

1 optometrists in the performance of management and treatment of
2 diabetes mellitus, hypertension, and hypercholesterolemia.

3 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution because~~
5 ~~the only costs that may be incurred by a local agency or school~~
6 ~~district will be incurred because this act creates a new crime or~~
7 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
8 ~~for a crime or infraction, within the meaning of Section 17556 of~~
9 ~~the Government Code, or changes the definition of a crime within~~
10 ~~the meaning of Section 6 of Article XIII B of the California~~
11 ~~Constitution.~~

O